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Attorneys for Plaintiff
PHYSICIANS HEALTHSOURCE, INC. and the Proposed Class

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHYSICIANS HEALTHSOURCE,
INC.,

Plaintiff,

v.

MASIMO CORPORATION, et al.

Defendants.

Case No. 8:14-cv-00001 JVS (ANx)

Judge James V. Selna
Mag. Judge Autumn D. Spaeth

**DECLARATION OF MARK J.
GERAGOS IN SUPPORT OF
PLAINTIFF'S MOTION FOR
LEAVE TO FILE SECOND
AMENDED COMPLAINT TO ADD
ADDITIONAL PARTY PLAINTIFF**

HEARING:

Date: March 11, 2019
Time: 1:30 p.m.
Ct: 10C

1 I, Mark J. Geragos, declare as follows:

2 1. I am the principal of Geragos & Geragos. I am licensed to practice
3 before all state and federal courts in the state of California. I have personal
4 knowledge of the facts set forth herein and, if called as a witness, I could and
5 would testify as such matters.

6 2. Margo Hartley is an employee at Geragos & Geragos.

7 3. Kirsten Swenson is an employee at Geragos & Geragos.

8 4. Margo Hartley and I have wiring instructions (including the bank
9 account number and routing code) for Geragos & Geragos' client trust bank
10 account.

11 5. It is now and has always been policy of Geragos & Geragos to only
12 provide wiring instructions to opposing counsel to effectuate payments for
13 settlements.

14 6. On or about February 20, 2019, I reviewed Stephen Larson's
15 Declaration in this case (Doc. 160).

16 7. I have never spoken to any attorney representing Masimo regarding
17 settlement of Geismann's claim.

18 8. No attorney representing Masimo has ever requested to speak to
19 me or any other attorney at Geragos & Geragos regarding settlement of
20 Geismann's claim.

21 9. On or about February 20, 2019, I contacted Geragos & Geragos'
22 bank to inquire about the status of the wire transfer referred to in Stephen
23 Larson's Declaration.

24 10. As of today, the wire transfer referred to in Stephen Larson's
25 Declaration has been rejected.

26 11. Attached hereto as Exhibit A is a redacted documentation from
27 Geragos & Geragos' bank confirming that the bank rejected the wire transfer.
28

1 12. Attached hereto as Exhibit B is a true and correct copy of
2 correspondence dated February 26, 2019 from Plaintiff's Counsel to Masimo's
3 Counsel.

4 I declare under penalty of perjury that the foregoing is true and correct.

5
6 Executed on February 26, 2019

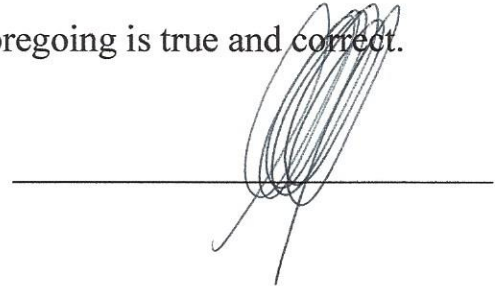
A handwritten signature, appearing to be "M. J. V.", is written over a horizontal line. The signature is in dark ink and is somewhat stylized.

EXHIBIT A

[REDACTED]
From: [REDACTED]
To: Mark Geragos, [REDACTED]
Cc: [REDACTED]
Sent: 2/26/2019 10:41:59 AM

[REDACTED]
[REDACTED]
[REDACTED]

Wire Investigation

Dispute and Information Request Form

****NOTE: For all same-day cancellations
call Central Wires immediately at [REDACTED]**

Internal Use Only
For New Requests Only**
For all existing cases please email Wires Investigations
including the case number in the subject line.

Is this a new case? ☒ Yes ☐ No

Today's Date

Date the client notified bank employee of error

Client Information

How was the client authenticated

[REDACTED]

Please select the Affiliate

Account Name

Client's Debiting/Crediting Account

Case Contact's Name

Case Contact's Phone Number

Case Contact's Email Address

Original Wire Information

All information below can be obtained from RPI wire history or the customer's receipt.
A transaction or Sender Reference Number is required.

This case is in regards to a

Transaction # ☐ or Sender Reference Number ☒

Date the original transaction was sent

Amount of Wire

Currency type

Case Information

Is the error caused by a bank error

Reason for case

Please provide a detailed explanation for the case (as requested),

Disclaimer

Wires employees are not able to contact the client directly unless there is a valid wire agreement on file.

Important Notification

You must communicate with your client that fees may apply for this case.

Confirm that all fees for this case type have been communicated to the Client:

1. No fees apply if the case is due to the Bank's error;
2. No fees apply in a - consumer X border wire (consumer international wire) case for:
-- "Information Requests" - "Beneficiary received the wrong amount" - "Customer was debited for wrong amount" - or - "Funds were not available when promised" - or - for traces or recalls for similar reasons. **Please note: we do not charge our fee on these, but we will pass along the other bank's fees to the client if it was client error.**
3. If fees apply - If another institution charges us as part of our investigation, then we pass those 3rd party charges to the Client.
4. If fees apply - In addition to any 3rd party costs, our internal investigation fees are as follows:
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5. Please notify your client about any applicable fees. The wires room will not waive fees for any other reason. However if the banker wishes to waive or compensate the client they will be able to refund the fee from their fee GL account.

Bank Employee Contact Information

Bank Employee Contact Name

[REDACTED]

Bank Employee Contact Number

[REDACTED]

Bank Employee Contact Email

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT B

GERAGOS & GERAGOS

A PROFESSIONAL CORPORATION
LAWYERS
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LOS ANGELES, CALIFORNIA 90017-3411
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GERAGOS@GERAGOS.COM

February 26, 2019

Via email transmission to Stephen.Larson@knobbe.com

Stephen Larson
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614

Re: Physicians Healthsource, Inc. v. Masimo Corporation, et al.
Case No. 8:14-cv-00001

Dear Stephen,

This letter is written regarding the declaration you submitted on February 19, 2019. (Doc. 160). Your declaration includes as an attachment banking information sufficient to identify the bank used by Geragos & Geragos as well as the routing code for the bank. Statutes regarding the crime of identity theft specify that means of identification include “unique electronic identification number, address, or routing code.” (18 U.S. Code § 1028). I hereby request you redact my banking information from your filing. (Doc. 160-2).

Please advise us of your position as to the matters raised herein.

Very truly yours,

GERAGOS & GERAGOS

s/ Mark J. Geragos
Mark J. Geragos

cc: All Counsel of Record